

## REMARKS

This application has been reviewed in light of the Office Action mailed August 17, 2005.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1-20 are pending in the application with Claims 1, 5, 6, 10, 11 and 16 being in independent form. By the present amendment, Claims 1,3-6, 8-18 and 20 have been amended. No new subject matter has been introduced by way of the present amendment.

Initially, Applicant thanks the Examiner for indicating that Claims 3-4, 8-9, 13-15 and 18-20 contain patentable subject matter and would be allowable if rewritten in a manner obviating the below-identified objection and in independent form including all the limitations of the base claim and any intervening claims.

### **I. Objection to the Specification**

The Examiner requires a new title for the application, which is clearly indicative of the invention to which the claims are directed. Accordingly, a replacement title reciting: "A HERMETICALLY SEALED ENDOSCOPE IMAGE PICK-UP DEVICE" has been submitted by way of the present amendment. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

### **II. Objection to Claims 1-20**

Claims 1-20 have been objected to because of allegedly improper grammar. In response, Claims 1, 5, 6, 9-18 and 20 have been amended to correct grammatical errors by way of the present amendment. Accordingly, Applicant respectfully requests withdrawal of the objection to Claims 1-20.

### **III. Rejection of Claims 3-4, 8-9, 13-15 and 18-20 Under 35 U.S.C. §112, Second Paragraph**

The Examiner has objected to Claims 3-4, 8-9, 13-15 and 18-20 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. Specifically, the Examiner has indicated that the phrase “one of the openings of the frame” lacks antecedent basis and the phrase “on the opening side” is indefinite. In response, Claims 3 and 8 have been amended such that the phrase “one of the openings of the frame” has been removed and the phrase “on the opening side” has been amended to read “a proximal face”, as suggested by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 3 and 8 under 35 U.S.C. §112, second paragraph.

Regarding the rejection of Claims 4, 9, 13-15 and 18-20, the above-identified phrases are not recited therein therefore it is unclear exactly what is the basis for the §112 rejection of these claims. However, Claims 9, 13-15 and 18-20 have been amended to better define Applicant’s claimed invention and in a manner believed to obviate the Examiner’s alleged basis for the §112 rejection. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 4, 9, 13-15 and 18-20 under 35 U.S.C. §112, second paragraph.

### **IV. Rejection of Claims 1-2, 5-7, 10-12 and 16-17 Under 35 U.S.C. §103(a)**

The Examiner has rejected Claims 1-2, 5-7, 10-12 and 16-17 under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over U.S. Patent No. 6,547,721 issued to Higuma et al. in view of U.S. Patent No. 5,670,009 issued to Tarn et al.

Higuma et al. discloses an endoscope capable of being autoclaved, having an insertion unit, an internal endoscope space and an imaging unit. Tarn et al. discloses using a transparent sapphire substrate. However as conceded by the Examiner, neither Higuma et al. nor Tarn et al.

discloses a substrate disposed in a predetermined position within the internal cavity of the frame so as to hermetically seal one of the opening of the frame, as recited in original Claim 3.

In response, Claims 1, 5, 6 and 10 have been amended to recite: "...a substrate disposed in a predetermined position within the internal cavity of the frame so as to hermetically seal one of a first opening and a second opening formed on the frame..."

Regarding independent Claims 11 and 16, Applicant respectfully traverses the above-identified rejection, since both the original and amended Claim 11 and Claim 16 recite, in similar language, the subject matter identified above and indicated as allowable by the Examiner. Specifically, Claim 11 recites: "...disposing a substrate formed of a transparent member on the rear end of an internal cavity of a substrate frame such that one surface thereof is substantially orthogonal to an axial direction of the substrate frame, and hermetically joining an inner peripheral surface of the substrate frame and an outer peripheral surface of the substrate..." and Claim 16 recites: "disposing the substrate on a rear end of a substrate frame such that one surface thereof is substantially orthogonal to an axial direction of the substrate frame, and hermetically joining an inner surface of the substrate frame and an outer surface of the substrate..."

The only changes made to claims 11 and 16 with respect to the above-identified limitations, by way of the present amendment, were directed to correct grammatical and antecedent related issues, i.e., the word "the" was replaced with "a" or "an" as appropriate.

Regarding Claims 2, 7, 12 and 17, these claims depend from independent Claims 1, 6, 11 and 16 respectively, and thus include the limitations recited by those independent claims. Therefore, Claims 1-2, 5-7, 10-12 and 16-17 are believed patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the

rejection with respect to Claims 1-2, 5-7, 10-12 and 16-17 under 35 U.S.C. §103(a) over Higuma et al. in view of Tarn et al.

## CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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